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Used Oil Fact Sheet # 6

MANAGEMENT OF TANK BOTTOMS

This fact sheet provides information on the regulation of a number of types of tank bottoms under used oil and hazardous waste requirements. More information on used oil regulations may be found in a DEP guidance document entitled Management of Used Oils in Connecticut, and in several other used oil fact sheets in this series. DEP also has many helpful documents relating to compliance with hazardous waste requirements. If you would like to obtain any of these documents, or if you have any questions regarding this fact sheet, visit the DEP website at www.ct.gov/dep, or contact DEP using the address/telephone numbers listed at the top of this page.

This fact sheet is intended only as a helpful compliance aid. It is not intended to supersede the applicable regulations.¹ It is always the responsibility of persons involved in the management of used oil to comply with all applicable laws and regulations.

Certain types of storage tanks may accumulate solids or heavy fractions at the bottom that must be removed from time to time. These materials are commonly referred to as “tank bottoms.” How these materials are regulated can vary greatly depending on the type of storage tank in which the tank bottoms are generated, and depending on how the material is handled. Sections 1 through 3 below address the three most common types of tank bottoms, and describe how each one is regulated. Section 4 below describes the regulation of tank bottoms that are *disposed of* rather than recycled. And lastly, Section 5 below addresses mixtures of tank bottoms and used oil.

1.) Used Oil Tank Bottoms.

Used oil means any oil (crude oil-based, or synthetic) that has been used and as a result of such use is contaminated in some way.² Examples include used automotive oils, hydraulic oils, lubricants, metalworking oils, heat transfer oils, and dielectric oils. Virgin oils of these types are also regulated

¹The requirements which currently apply to the management of used oil in Connecticut may be found in Regulations of Connecticut State Agencies (“RCSA”) Section 22a-449(c)-119. This RCSA Section incorporates the 2000 federal used oil regulations at 40 CFR 279, and includes a number of additional, Connecticut-only provisions. Used oils are also subject to the requirements of Connecticut General Statutes (“CGS”) Section 22-454 with respect to persons engaged in the business of collecting, storing, treating, or disposing of used oil.

²For a more detailed definition of used oil, please refer to Section 4 of DEP's used oil guidance document entitled Management of Used Oils in Connecticut.

as used oils when they are being discarded. However, used oil does not include fuel oils or non-mineral (i.e., vegetable or animal) oils.

Tank bottoms from used oil storage tanks are regulated as used oil, as long as they are recycled in some way (for example, burned for energy recovery or re-refined). In addition, if the tank bottoms are going to be burned for energy recovery, they must have a fuel value over 5000 BTUs per pound, in order to be considered a legitimate fuel.

2.) Fuel Tank Bottoms.

Tank bottoms may also accumulate in tanks that are used for the storage of fuels such as gasoline, diesel fuel, or fuel oil. Regardless of how they are handled, these types of tank bottoms are not regulated as used oils. However, these types of tank bottoms are still subject to certain waste management requirements, depending on their chemical makeup and how they are recycled:

- (A) *If the fuel tank bottoms are going to be burned for energy recovery*, they are not subject to hazardous waste testing requirements or to regulation as hazardous wastes, as long as: 1.) they are not stored for over a year; and, 2.) there is documentation confirming that they are legitimate fuels (i.e., they contain a fuel value of over 5000 BTU per pound). However, these tank bottoms would still be subject to Connecticut General Statutes (“CGS”) Section 22a-454. For more information on the requirements of this statute, please refer to DEP’s fact sheet entitled “Non-RCRA Hazardous Waste – Connecticut Regulated Waste.” Copies of this document may be obtained by contacting DEP at the mailing address or telephone numbers listed at the beginning of this fact sheet.
- (B) *If the fuel tank bottoms are going to be reclaimed (but not burned for energy recovery)*, they are not subject to hazardous waste testing requirements or to regulation as hazardous wastes, as long as: 1.) they are not stored for over a year; and, 2.) there is documentation confirming that the reclamation of the material is legitimate. Although not subject to hazardous waste requirements, these materials are still subject to regulation under CGS Section 22a-454. For more information on this statute, see the end of paragraph (A) above.

3.) Manufacturing Process Tank Bottoms.

Tank bottoms may also be generated within manufacturing process units that use or produce oil-based materials. Manufacturing process tank bottoms are regulated differently, depending on the type of oil-based material involved, and how it is used and generated:

- If the tank bottoms were generated in a manufacturing process unit that uses a petroleum-based oil for purposes such as machining, drawing, stamping, or quenching, they would be regulated as used oils as described in section 1 above.

- If the tanks bottoms come from a manufacturing process unit used to produce virgin, petroleum-based, lubricating or other similar oils, they would also be regulated as used oil as described in section 1 above.
- If the tanks bottoms are petroleum-based, but come from a fuel production or process tank, they would be regulated as outlined in section 2 above.
- Manufacturing process tank bottoms other than the above would be regulated based on the nature of the material being generated. A hazardous waste determination would have to be performed on the waste, and if it is found to be hazardous, it would have to be handled as such.³ If found not to be hazardous, the material would still be subject to regulation as a so-called “Connecticut-regulated waste” (see paragraph 2.A. above for more on these wastes).

4.) Tank Bottoms that Are Disposed of.

Sections 1 through 3 above are based on the assumption that the tank bottoms are being *recycled*, since most tank bottoms can be recycled in some way. However, some tank bottoms may be too difficult or too costly to recycle, and so must be sent for *disposal*. Regardless of the type of material that they come from, tank bottoms that are disposed of are not subject to used oil requirements. Instead, a hazardous waste determination must be performed in order to establish whether or not they are hazardous waste.³ If they are hazardous, they must be handled in accordance with hazardous waste requirements. If they are not hazardous, they are not subject to hazardous waste requirements, but would still be subject to Connecticut General Statutes (“CGS”) Section 22a-454. For more information on this statute, see the end of paragraph 2.A. above.

5.) Mixtures of Tank Bottoms and Used Oil.

There may be some cases in which a handler may wish to add tank bottoms to used oil. For example, a service station operator may wish to add gasoline tank bottoms to used oil generated from automobile servicing. Such mixtures may be subject to used oil or hazardous waste requirements, depending on the exact nature of the tank bottoms involved. For more information on the proper handling of such mixtures, please refer to DEP’s Used Oil Fact Sheet #5, entitled “Mixtures of Used Oil and Other Materials.” In particular, see Section 5 of this fact sheet, which relates to mixtures of used oil and virgin fuels. Copies of this document may be obtained on the DEP website (www.ct.gov/dep), or by contacting DEP at the address/telephone numbers listed at the beginning of this fact sheet.

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³For guidance on how to perform a hazardous waste determination, please refer to the DEP fact sheet entitled “Hazardous Waste Determinations/Knowledge of Process.” Copies of this document may be obtained on the DEP website (www.ct.gov/dep), or by contacting DEP at the mailing address or telephone numbers listed at the beginning of this fact sheet.